

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ALMIR VELJACIC
10314 S. Avenue L
Chicago, Illinois 60601

Plaintiff,

vs.

HOGAN TRANSPORTS, INC.
c/o its Statutory Agent
Corporation Service Company
50 West Broad Street, Suite 1330
Columbus, Ohio 43215

and

HOGAN DEDICATED SERVICES, LLC
c/o its Statutory Agent
Corporation Service Company
50 West Broad Street, Suite 1330
Columbus, Ohio 43215

and

HOGAN LOGISTICS, INC.
c/o its Statutory Agent
John J. Riffle
12935 North Outer Forty, Suite 102
St. Louis, Missouri 63141

and

DEBORAH STARRETT
9120 NE Plain City Georgesville Road
Plain City, Ohio 43064

Defendants.

CASE NO.: 2:22-cv-2328

JUDGE:

COMPLAINT
(Jury Demand Endorsed Hereon)

Now comes Plaintiff Almir Veljacic, by and through his attorneys, and for his Complaint states as follows:

PARTIES

1. Plaintiff Almir Veljacic is a resident of the State of Illinois who resides at 10314 S. Avenue L, Chicago, Illinois 60601.

2. Defendant Hogan Transports, Inc. (hereinafter “Hogan Transports”), is a Missouri Corporation with its principal place of business at 2150 Schuetz Road, Suite 210, St. Louis, Missouri 63146. Defendant Hogan Transports’ registered agent for service of process in the State of Ohio is Corporation Service Company, 50 West Broad Street, Suite 1330, Columbus, Ohio 43215.

3. Defendant Hogan Dedicated Services, LLC (hereinafter “Hogan Services”), is a foreign limited liability company organized under the laws of the State of Missouri with its principal place of business at 2150 Schuetz Road, Suite 210, St. Louis, Missouri 63146. Defendant Hogan Dedicated Services’ registered agent for service of process in the State of Ohio is Corporation Service Company, 50 West Broad Street, Suite 1330, Columbus, Ohio 43215.

4. Defendant Hogan Logistics, Inc. (hereinafter “Hogan Logistics”), is a Missouri Corporation with its principal place of business at 2150 Schuetz Road, Suite 210, St. Louis, Missouri 63146. Defendant Hogan Logistics’ registered agent for service of process is John J. Riffle, 12935 North Outer Forty, Suite 102, St. Louis, Missouri 63141.

5. Defendant Deborah Starrett is an adult individual with a last known address of 9130 NE Plain City Georgesville Road, Plain City, Ohio 43064. Upon information and belief, at all times relevant hereto, Defendant Starrett was an employee, agent, and/or servant of Defendant Hogan Transports, Inc., Defendant Hogan Dedicated Services, LLC, and/or Defendant Hogan Logistics, Inc. (hereinafter collectively referred to as the “Hogan Defendants”) and was operating the subject commercial motor vehicle on behalf of the Hogan Defendants.

JURISDICTION

6. This Honorable Court has jurisdiction with respect to the claims set forth herein pursuant to 28 U.S.C. § 1332, in that diversity exists between the parties and the amount in controversy exceeds \$75,000.00.

VENUE

7. Venue is proper in this District and Division under 28 U.S.C. § 1391(b)(2) in that a substantial part of the events or omissions giving rise to this claim occurred in this District and Division.

GENERAL ALLEGATIONS

8. On or about December 29, 2020, at approximately 8:25 a.m., Plaintiff Almir Veljacic was asleep in the sleeper berth of a Volvo commercial motor vehicle which was lawfully parked in the parking lot of the Pilot Travel Center located at 1364 State Route 42 Northeast in the Township of Jefferson, County of Madison, and State of Ohio.

9. At the aforementioned time and place, Defendant Starrett was operating an International commercial motor vehicle that was owned, leased, maintained and/or under the control of the Hogan Defendants, through the Pilot Travel Center parking lot, near the parked commercial motor vehicle in which Plaintiff was sleeping.

10. At the aforementioned time and place, Plaintiff Defendant Starrett's trailer struck the passenger side of the Plaintiff's commercial motor vehicle, knocking Plaintiff out of his bed and onto the floor of the vehicle.

11. Due to the aforementioned collision, as well as the negligence, carelessness and recklessness of Defendants, as set forth more fully below, Plaintiff Almir Veljacic sustained serious injuries as set forth more fully below.

COUNT I
NEGLIGENCE, VICARIOUS LIABILITY – ALL DEFENDANTS

12. The preceding paragraphs are hereby realleged as if fully restated herein.

13. The severe injuries sustained by Plaintiff Almir Veljadic were a direct and proximate result of the negligence, carelessness, and recklessness of Defendant Starrett who was acting within the course and scope of her agency and/or employment with the Hogan Defendants, generally, and in the following particulars:

- a. Causing, allowing, and/or permitting her trailer to collide with the side of the Plaintiff's parked commercial motor vehicle;
- b. Failing to control Defendants' commercial motor vehicle in such a way that would have allowed and/or permitted her to be able to stop, slow, and/or turn aside prior to colliding with the Plaintiff's vehicle;
- c. Failing to manage the space around her vehicle;
- d. Failing to keep a proper lookout;
- e. Failing to exercise due care;
- f. Failing to judge the closeness of Plaintiff's vehicle;
- g. Failing to take due and proper cognizance of the existing parking lot conditions, including but not limited Plaintiff's parked vehicle;
- h. Operating the aforementioned commercial motor vehicle at an excessive rate of speed given the circumstances;
- i. Failing to promptly and properly apply the brakes and/or other stopping mechanisms of the aforementioned commercial motor vehicle;
- j. Failing to operate the aforementioned commercial motor vehicle free from distractions;
- k. Operating the aforementioned commercial motor vehicle while fatigued and/or otherwise impaired and/or affected by her physical condition;
- l. Violating the laws and statutes of the State of Ohio regarding the safe operation of vehicles;
- m. Failing to comply with the minimum safety standards required by the Federal Motor Carrier Safety Regulations; and
- n. In such other and further wrongful ways as will be proven at trial.

14. Defendant Starrett's negligent, careless and reckless conduct in the care, management and/or operation of her commercial motor vehicle, created a hazard to those around her, including Plaintiff Almir Veljadic, and was a direct and proximate cause of the collision in which Mr. Veljadic was injured.

15. Defendant Starrett's wrongful conduct constitutes prima facie evidence of negligence and/or negligence per se and was the proximate cause of the collision with Plaintiff's vehicle and the resulting harm and damages to Mr. Veljadic's property and person, for which he is entitled to damages.

16. At all times relevant hereto, Defendant Starrett was an employee, agent, leased driver and/or servant of the Hogan Defendants and was acting within the course and scope of her agency and/or employment for the Hogan Defendants which are responsible for Defendant Starrett's conduct under the principles of *respondeat superior*.

17. Upon information and belief, at all times relevant hereto, the commercial motor vehicle driven by Defendant Starrett was operating under U.S. DOT# 1137660 registered to Defendant Hogan Dedicated Services, LLC, U.S. DOT# 2214752 registered to Hogan Logistics, Inc., and/or U.S. DOT# 226618 registered to Hogan Transports, Inc. which is/are therefore responsible for Defendant Starrett's conduct as a matter of law.

18. Irrespective of the employment/contractual relationship, the Hogan Defendants are Motor Carriers subject to Federal Motor Carrier Safety Administration (FMCSA) Regulations and State Regulations and are therefore responsible for Defendant Starrett's acts as a matter of law.

19. As a direct and proximate result of the above-mentioned negligence by Defendant Starrett, Plaintiff was caused to suffer severe and permanent injuries, including, but not limited to, tendonitis and impingement syndrome in his right shoulder, multiple herniated and bulging discs

in his cervical spine, and facet joint syndrome in his lumbar spine, causing pain and suffering and an inability to engage in his usual activities.

20. As a further direct and proximate result of the above-mentioned negligence of Defendant Starrett, Plaintiff was caused to seek necessary medical care and treatment and, in all likelihood, will be forced to incur further medical care and expenses into the indefinite future, all to her financial expense.

21. As a further direct and proximate result of the above-mentioned negligence of Defendant Starrett, Plaintiff's ability to live free from pain, discomfort and disability has been permanently impaired.

22. As a further direct and proximate result of the above-mentioned negligence of Defendant Starrett, Plaintiff has suffered out-of-pocket expenses and other incidental damages.

WHEREFORE, Plaintiff Almir Veljacic, prays for judgment against Defendants Hogan Dedicated Services, LLC, Hogan Logistics, Inc., Hogan Transports, Inc., and Deborah Starrett, jointly and/or severally, individually and/or collectively, for compensatory damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with interest, costs, attorney's fees, and other such and further relief as this Honorable Court deems just and equitable.

COUNT II
DIRECT LIABILITY CLAIM – DEFENDANTS HOGAN TRANSPORTS, INC., HOGAN DEDICATED SERVICES, LLC, AND HOGAN LOGISTICS, INC.

23. The preceding paragraphs are hereby realleged as if fully restated herein.

24. The tractor and trailer involved in the subject collision constituted a commercial motor vehicle operated by and under the direct control of Defendant Starrett but were respectively owned and/or leased by the Hogan Defendants and were being used on behalf of and for the benefit of the Hogan Defendants at all times relevant hereto.

25. The operation, maintenance and control of the above-mentioned tractor and trailer was governed, licensed, supervised and regulated by State and Federal regulations, and as such was pursuant to a certificate of authority given to the Hogan Defendants to operate such vehicles on designated routes and to carry goods for hire by the FMCSA and/or other government regulatory bodies.

26. Plaintiff further states that the Hogan Defendants were negligent in hiring, training, supervising, dispatching and/or retaining Defendant Starrett as a commercial motor vehicle driver, which resulted in creating a danger and hazard to the traveling public and anyone using public roadways, which wrongful conduct was a direct and proximate cause of the injuries and other losses for which Mr. Veljacic is entitled to recover damages in an amount to be proven at trial.

WHEREFORE, Plaintiff Almir Veljacic, prays for judgment against Defendants Hogan Dedicated Services, LLC, Hogan Logistics, Inc., and Hogan Transports, Inc., jointly and/or severally, individually and/or collectively, for compensatory damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), together with interest, costs, attorney's fees, and other such and further relief as this Honorable Court deems just and equitable.

Respectfully submitted,

/s/ Jordan D. Lebovitz

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Counsel for Plaintiff

JURY DEMAND

The Plaintiff hereby demands a trial by jury with the maximum number of jurors permitted under the Federal Rules of Civil Procedure and the laws of the State of Ohio.

/s/ Jordan D. Lebovitz
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